

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

Civil Case No. 16-11956

Criminal Case No. 11-20752

v.

Darren Terry,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner,

**ORDER**

In Criminal Case No. 11-20752, Petitioner Darren Terry (“Petitioner”) was charged with drug and firearm offenses. On May 27, 2016, Petitioner filed a Motion to Vacate Sentence, pursuant to 28 U.S.C. § 2255, raising, among other things, a claim under *Johnson v. United States*, 135 S.Ct. 2551 (2015). (Doc. # 623). In an Order issued on August 29, 2016, this Court granted the Government’s Motion to Stay and ordered this matter stayed until the Supreme Court’s decision in *Beckles v. United States*. (Doc. # 632).

On March 6, 2017, the United States Supreme Court issued *Beckles v. United States*, 580 U.S. \_\_\_, 2017 WL 855781 (March 6, 2017), wherein the Court ruled that the Federal Sentencing Guidelines, including § 4B1.2(a)’s residual clause, are not subject to vagueness challenges under the Due Process Clause.

As such, the Court concludes that there is no longer a reason to stay Petitioner’s § 2255 motion. The Court therefore **ORDERS** the Government to file a response to Petitioner’s § 2255 Motion no later than **May 31, 2017**.

**IT IS FURTHER ORDERED** that any reply brief filed by Petitioner must be filed no

later than **June 30, 2017.**

**IT IS SO ORDERED.**

Dated: March 29, 2017

s/Sean F. Cox

Sean F. Cox

U. S. District Judge

I hereby certify that on March 29, 2017, the foregoing document was served on counsel of record via electronic means and upon Darren Terry via First Class mail at the address below:

Darren Terry 15441039

FORT DIX

FEDERAL CORRECTIONAL INSTITUTION

Inmate Mail/Parcels

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s/J. McCoy

Case Manager